IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Boyd T. Tolton et al	Attorney Docket No.:	LAMA122586
Application No.:	10/799,444	Group Art Unit:	2884
Filed:	March 12, 2004	Examiner:	Djura Malevic
Title:	Remote Sensing of Gas Leaks		

DECLARATION OF BOYD T. TOLTON UNDER 37 C.F.R. § 1.131

Edmonton, Canada

May 11, 2006

TO THE COMMISSIONER FOR PATENTS:

I, Boyd T. Tolton, hereby declare and state as follows:

1. I am an applicant and joint inventor of the subject matter described and claimed in U.S. Patent Application No. 10/799,444 (hereinafter "the present application"). I am also the sole author and inventor of the subject matter which is disclosed in provisional patent application 60/455,225, filed March 13, 2003, (the "provisional application") the benefit of which is claimed in the present application.

2. The present application was filed on March 12, 2004. In an Office Action dated February 13, 2006 of which I am aware, Claims 1-5, 11, 12, 13, 15, 16, 18, 24, 25 and 26 of the present application are rejected under 35 USC 102(e) as being anticipated by Nelson et al (US Patent no. 6,750,453) and claims 2, 3, 4, 7, 8 and 9 of the present application are rejected under 35 U.S.C. § 103(a) based on Nelson et al. This declaration is provided to overcome the prior art rejection based on the Nelson et al. reference (hereinafter "Nelson") in respect of claims 1-17, by proving invention of the claimed subject matter of at least independent claim 1 and dependent claim 2 by me prior to the effective date of the Nelson reference. The Nelson reference was filed May 25, 2002, which is the effective date under 35 USC 102(e).

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3. I have assigned all my rights in the invention described and claimed in the present application to Synodon, Inc., the assignee of the present application.

4. I hereby attest and confirm that I conceived the subject matter claimed in Claims 1 and 2 and reduced to practice an embodiment of said subject matter prior to May 2002 as detailed in the provisional application.

5. The provisional application contains documents entitled Remote Sensing Detection of Natural Gas Leaks: Scientific Basis Document and Remote Sensing Detection of Natural Gas Leaks: Lab Testing Results Document. The last revision of the Scientific Basis Document was dated October 21, 2001, and the last revision of the Lab Testing Results Document was dated February 18, 2002. I conceived the subject matter of both of these documents and performed the work described therein. My complete conception and reduction to practice of the claimed invention of claim 1 and 2 prior to the earliest effective date of the Nelson reference is as set forward in the provisional application. I further attest that my conception of the subject matter claimed in Claims 1 and 2 was followed by due diligence on my part from a date prior to May 2002 to the filing of the provisional application on March 13, 2003.

6. Neither the Nelson reference nor the content of the provisional application were published more than one year prior to the filing date of the provisional application. The content of the provisional application as described above is provided to establish my earlier conception and reduction to practice of an embodiment of our invention, and does not limit the scope of the claims in the present application. The reduction to practice of my invention documented in the provisional application was completed in Canada.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and, further, that these

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statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DATED this 11 day of May, 2006.

Boyd T. Tolton